PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Rodier et al.
Serial No.	:	To Be Assigned
Cnfrm. No.	:	To Be Assigned
Filed	:	To Be Assigned
For	:	GENETIC POLYMORPHISMS WHICH ARE ASSOCIATED WITH AUTISM SPECTRUM DISORDERS

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX: PATENT APPLICATION

PRELIMINARY AMENDMENT

Sir:

Kindly enter the following preliminary amendments in the above-captioned application.

IN THE SPECIFICATION:

Page 1, lines 10-11, Please delete the second paragraph on page 1, and insert therefor the following paragraph:

-- This application is a divisional application of U.S. Serial No. 09/095,117 filed June 10, 1998 and claims priority form U.S. Provisional Patent application Serial No. 60/049,803, filed June 17, 1997. --

IN THE CLAIMS:

Please cancel claims 1-31, 36, 39 and 40.

Please delete claims 32-35, 37 and 41 as originally filed and substitute therefor the following amended claims:

32. (Amended) A method for screening subjects for a genetic marker associated with autism, comprising:

isolating a biological sample from a mammal; and

testing the sample by screening for a polymorphism in a *Hox A1* or *B1* gene product, which is a genetic marker for autism.

33. (Amended) The method according to claim 32, wherein said screening for [the polypeptide resulting from said gene having in] a polymorphism in a *Hox A1* or *B1* gene product is carried out by a method selected from the group consisting of probing with an antibody specific to said gene product, measurement of the concentration of said gene product, and measuring the size of said gene product.

34. (Amended) The method according to claim 33, wherein said screening is carried out by probing with an antibody specific to said gene product.

35. (Amended) The method according to claim 33, wherein said screening is carried out by measuring the size of said gene product.

37. (Amended) An isolated polypeptide encoded by a nucleic acid molecule comprising a single base substitution at nucleotide 218 in SEQ. ID. No.1 or a fragment having at least 15 nucleotides encompassing said single base substitution

41. (Amended) An isolated polypeptide encoded by a nucleic acid molecule comprising an insertion between nucleotides 88 and 89 in SEQ ID No.5.

REMARKS

The present application is a divisional application of Serial Number 09/095,117, filed June 10, 1998. Applicants respectfully request entry of this Preliminary Amendment prior to examination on the merits.

By this amendment, claims 1-31, 36, 39 and 40 are canceled without prejudice. Applicants reserve the right to prosecute the same or similar subject matter in this or another application.

Claims 32-35, 37, 38, 41, and 42 are thus presently pending in the above-captioned application. These claims were canceled without prejudice from the parent case (Serial Number 09/095,117) in response to a Restriction Requirement and presently recite subject matter which was non-elected for prosecution in the parent case. Minor amendments to claims 32-35, 37 and 41 have been made in order to correct claim dependencies and other minor informalities. No amendments have been made which relate to the statutory requirements of patentability. Accordingly, Applicants assert that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co*, 234 F3d 558, 56 USPQ2D 1865 (Fed. Cir. 2000).

In view of the Preliminary Amendment and the remarks hereinabove, it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

Date: May 7, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

32. (Amended) [The] A method for screening subjects for a genetic marker associated with autism, comprising :

isolating a biological sample from a mammal; and testing the sample [according to claim 1, wherein said testing is carried out] by screening for [polypeptides resulting from said gene having] a polymorphism in a *Hox A1* or *Hox B1* gene product, which is a genetic marker for autism.

33. (Amended) The method according to claim 32, wherein said screening for [the polypeptide resulting from said gene having] a polymorphism is carried out by a method selected from the group consisting of probing with [antibodies] an antibody specific to said [polypeptide] gene product, measurement of the concentration of said [polypeptide] gene product, and measuring the size of said [polypeptide] gene product.

34. (Amended) The method according to claim 33, wherein said screening is carried out by probing with [antibodies] an antibody specific to said [polypeptide] gene product.

35. (Amended) The method according to claim 33, wherein said screening is carried out by measuring the size of the [polypeptides] gene product.

37. (Amended) An isolated polypeptide encoded by [the] a nucleic acid [of claim 36] molecule comprising a single base substitution at nucleotide 218 in SEQ ID No. 1.

41. (Amended) An isolated polypeptide encoded by [the] a nucleic acid [of claim 39] molecule comprising an insertion between nucleotides 88 and 89 in SEQ ID No. 5.